

regulations. What group is this? Attorneys.

Attorneys already are bound by a duty of confidentiality enforceable under the laws of all 50 States that prevents misuse of client information and provides a higher degree of privacy than Gramm-Leach-Bliley. For example, lawyers in my home State of Illinois are prohibited from releasing confidential information. Our code reads, "Except in certain specified circumstances, a lawyer shall not, during or after termination of the professional relationship with the client, use or reveal a confidence or secret of the client known to the lawyer unless the client consents after disclosure."

And Illinois is no exception. All 50 States have equally restrictive language. In all 50 States, lawyers who violate these laws face disbarment and/or other penalties that are much more onerous than those for a violation of title V under Gramm-Leach-Bliley.

Do attorneys significantly engage in financial activities as defined by the FTC? Yes. Some attorneys do give tax planning advice. Others may handle debt collection cases. Still others may take up cases relating to the other two named financial activities, providing financial advice or leasing real or personal property. Yet in order to comply with the privacy provisions under Gramm-Leach-Bliley, these attorneys now run the risk of violating the client confidentiality restrictions placed on their profession.

Every attorney who engages in any of the four defined financial activities for a noncorporate client must mail to that client a privacy notice, every year for as long as he or she is in business. And what does that privacy notice convey? It informs clients that they may direct their attorney not to share their personal information with other entities, the so-called opt-out provision of Gramm-Leach-Bliley. Yet the attorney-client confidentiality relationship is by nature an opt-in protection. In short, for attorneys, the very act of disclosing a privacy policy can create a confidentiality violation.

It was not the intent of Congress to regulate attorney-client relations. Our intent was to regulate the growing use and sale of consumers' personal information for marketing, profiling and other commercial purposes by bona fide financial institutions. At the end of the day, our bill will make the intention of the Gramm-Leach-Bliley Act crystal clear. The scope of the law was not intended to include law firms and sole practicing lawyers.

I urge my colleagues to support this legislation.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of legislation that I am introducing with my colleague JUDY BIGGERT of Illinois, the Judicial Code of Conduct Privacy Clarification Act. This legislation resolves the continuing controversy as to whether attorneys at law, who are subject to strict codes of professional conduct, should be subject to the privacy section of the Gramm-Leach-Bliley

Act. The Biggert-Maloney legislation recognizes that the practice of law and the business of financial services are wholly different and that Gramm-Leach-Bliley should be clarified to recognize this distinction.

Protecting personal privacy should be one of the highest priorities of Congress. Whether online, over the phone or in person, I believe that individuals should be allowed the maximum control over information they supply to financial services and other companies.

With passage of Gramm-Leach-Bliley in 1999, Congress took a small first step in ensuring that consumer privacy is protected as financial institutions continue to merge and as the economy grows increasingly digital. As a member of the then-Banking Committee, I was proud to play a role in requiring that financial services companies supply their customers with privacy policies and allow customers the right to opt-out of information sharing with third-parties. These were groundbreaking provisions that future Congresses should work to expand.

Unfortunately, since enactment, Gramm-Leach-Bliley has caused significant confusion for the legal community. On February 11, 2002, I joined 12 of my bipartisan colleagues on the Financial Services Committee in writing to the Federal Trade Commission (FTC) to ask that it grant attorneys an exemption to the Gramm-Leach-Bliley privacy provisions. As we wrote at the time, "Attorneys are already bound by a duty of confidentiality, enforceable under the laws of all 50 states, that prevents misuse of client information and provides a higher degree of privacy protection than Gramm-Leach-Bliley." After a thorough review, the FTC determined that it does not presently have the authority to grant the exemption we requested.

The privacy protections in Title V of Gramm-Leach-Bliley were a response to specific cases where consumers' private, personal financial information was mined without their consent in an effort to market them products. Where Title V is an appropriate response to such egregious cases, it is inappropriate to apply it to most lawyers whose clients already expect that all their disclosures are confidential, covered by State codes of ethics and attorney-client privilege.

For example, the Legal Aid Society of New York City had to translate its privacy notice into many different languages to serve its ethnically diverse clientele. It also had to devote an inordinate amount of time to dealing with confused clients who couldn't understand why they were getting privacy notices from their lawyers when everything they tell their lawyers is presumed to be confidential. I fear this could have a chilling effect on the willingness of these individuals to share critical information with their attorneys. The confusion these privacy notices are causing in New York is unnecessary given that there is express language forbidding the sharing of client information in the New York State Ethics Code for lawyers.

I join Representative BIGGERT in introducing this legislation today because it is my intention to target this limited area where the interpretation of Gramm-Leach-Bliley can be improved by a legislative fix. The FTC's standing interpretation of Title V of the Act is causing confusion that is determined to the attorney-client relationship. It is appropriate for Congress to intervene. I have met with numerous constitu-

ents from New York City on this issue and am convinced that attorneys should not fall under the existing language. I do understand that it is late in the congressional session and I invite interested parties to work with me to improve the legislation in the coming year.

I look forward to continuing to work to safeguard the privacy of my constituents in the coming Congress. I emphatically do not support any rollback of the progress that has been made on privacy. This legislation is limited and strictly targeted. As for the larger privacy issues—the American public deserves more privacy protections, not fewer.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ AND THE WAR ON TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GRUCCI) is recognized for 5 minutes.

Mr. GRUCCI. Mr. Speaker, on September 20, 2001, before a joint session of Congress, President Bush declared, and I quote, our war on terror begins with al Qaeda but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated. This principle rallied the world to support the war on terrorism. Today, we must remind ourselves of this principle as America considers action against Iraq. We must remember that the actions of Saddam Hussein are nothing short of terrorism. Until he is removed from a position of power and influence, Americans will not be safe and the war on terrorism will not be won.

On September 16, 2002, Iraq delivered a letter to the United Nations allowing U.N. weapons inspectors unconditional access to Iraq. While the recent letter from Iraq may be received as good news by some, it is important to place this action in the appropriate historical perspective.

A quick reminder of 1998 when Saddam Hussein forced weapons inspectors out of Iraq is enough to understand that the latest move is nothing more than theatrics that will only give Iraq additional time to stockpile and hide weapons of mass destruction to avoid detection.

In May of 1991, Iraq accepted United Nations resolution 687, giving inspectors unconditional access to Iraq. In the years that followed, Iraq contradicted their unconditional pledge to support resolution 687 with the following actions:

June of 1991, Iraqi personnel prevent inspectors from approaching by firing warning shots.

October of 1991, Iraq refuses to accept United Nations resolution 715 calling for additional unconditional access for inspectors.